App. F. IX-4

Previous References

Mys - I.C.6-28(1,2,4-6)

1936. (Mys)

File No. 259-

Serial Nos. 1 -

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eight

Part B for October 36

SUBJECT.

Mysore Appeal 23 of 36-37 Appeal against the Mysore Court's order in the matter of the removal of Archak Rama Krishna Bhatta of Sri Pattabhi Rama Swami temple, Ramanatha Puram, Arkalgud

WD 0295—GPB—22,500—13 8 37

MSpuyr.
20/10/36

G. R. S. APP. F. III—1] 1936-7

GENERAL AND REVENUE SECRETARIAT.

(Misc)

NOTES.

File No. 259/36

FILE HEADING

Appeal regarding the removal of the present archak. Ramakrishna Bhatta by Pallabhirama Swamis temple Ramanathapuram. Arakalgud Taluk.

FROM Mr R. K. Srinivasa Iyengar and 10 others of Ramanathapuram. Arakalgud Taluk

No. — Dated 9-5-37. Received 14-5-37

Diary No. 1092 | Enclos. 2 Spare copies — | Serial No. 1

BRIEF ABSTRACT OF LETTER

Appeal against the order of the Muzrai Commissioner directing that Ramakrishna Bhatta be taken on duty immediately as the archaka of the temple of Sri Pattabhi Ramaswamis, thereby setting aside the order of the Deputy Commissioner Hassan Dist.

NOTES AND ORDERS.

2 Petition dt 9-5-37 from Mr R. K. Srinivasa Iyengar praying for a stay of the order passed by the Muzrai Commissioner.

Minute of the Member in charge

P.W.D. II :—

(1) : Presented by the appellants here. (Petition)

I see no reason to issue a stay until appeal petition disposed of.

(Sd). S.V.V.

NOTES—First Sheet

WD 0245—GPB—2,500—23-8-32

Appeal regarding the present arrangements

File No. 259 of 1936-37 eral Secreta

a) Note in respect of para 2 supra submitted

b) A memo calling for records connected

the case to be laid on the P.W.D. for approval

C/S 20/5 21-5-37

2nd 2 Mar

TYPING 21 MAY 19

To. The Mezz Court 4

No. 1540 of 21-5-37

forwarding petn in dl for submission

of connected records.

No 1538 of 21.5.1937 from Mr. R.K.

Srinivasa Iyengar and 15 others C/o

Mr S.S. Raja M.A. (Honors) B.L. 3

Advocate. Bangalore city dealing the

grant of their request for a stay over

Memo No 1539 of 21/5/37 to the

Muzrai Commissioner forwarding Copy of

the above Endorsement for information

Petition of 20.5.37 from R.K.

Srinivasa Iyengar praying for a stay

over for reasons set forth therein.

Note, & orders in the interim slip:-

4 Seen by the Member.

Need not be seen

(8) Muz. Secy. Regd

Inf

D) V.S 25/5

Sri Pattabhiramaswamy Temple Chikkanayakanahalli taluk is a minor Muz. Institution

office upon have been addressed by the petr

for a stay order

...se. ... of Council on
... 10th ins Cairo-al-Ooty
... person.

Any orders passed
will be communicated
to them - Hw
29.

GOVE EN

General and Revenue

A visitor desiring to see any
requested to send up his name, stati
nature of his business.

20.8.1937

Name R.K. Srinivasiengar

Whom he wishes to see The General Secretary to Gove-

Business Wishes to know what orders passed on his appeal petition re- cancellation of archakship of Sri Pallabhiram Temple at Ramanathapur, which

of - Sri Palla Hirama-
Ramanath from Arakalgud

eral and Revenue Secretariat — File No. — of 1936-7 — [App. F. III—2

Serial No.

(1) As per minute on P.U. dt. 20/5/37 the petition has since been issued on 21/5/37; in the circumstances & also in view of the observations made by the M.C. in respect of the Chairman's order the petitioner should not further action be called for, until the reports called for are received. Secy

(2) Put up with the connected papers

On a previous petition for the issue of a stay order in this case, the first ~~Member~~ Member has ordered as follows :- "I see no reason to issue a stay order. The appeal petition may be dealt with as usual." (Vide the first Member's orders on the petition)

26.5.37

The merits of the grounds from the M.C. will be awaited, and examined on its merits.

2/26/5/37

GENERAL SECRETARY. 26 MAY 1937 9668

(Sir Airy) W.W.

Petition of 28-7-37 from K. T. Singamanappa and 29 other residents of Ramanath pura Arakalgud Taluk praying that the order of the Mysore Commissioner in favour of Ry-cart

Contn Sheet.

WD 0417—GPS—30,000 8 9 36

Removal of the Pattabhiramaswami temple bur, Arkalgud Taluk.

Mez File No. 259 of 1936 7 | General and Secre

Serial No.

Ramakrishna Bhatta mazje Continued-
Letter no Ite 537/36-37 d 16-8-1937 from the Inspl Commissioner forwarding records Connected with the appeal petition of R. K. Srinivasa Iyengar and 15 others of Ramanathpur —

15) Sri pattabhiramaswami temple Ramnathpur. Arkalgud Tk is at present a minor Inam Instn enjoying a Cash grant of Rs 97/8 p.a & also Devadaya land grant. Besides this the institution gets an income of more than 500 Rs p.a from several investments & also the land endowed in by certain devotees. The worship in the temple is done as per Vaikhanasagama as seen from the records

The records disclose that there is a certain amount of ill-feeling between the archak Ramakrishna Bhatta & some of the Dharmadarsis, who are of Sri Vaishnava Community. This is due to the fact that the scale sanctioned in 1918-19 Continued in force for nearly 18 years. The local officers

P. 10

Effect -

Removal of the archak of Sri Pattabhiramaswami temple, Ramanathapur, Arkalgud Taluk.

General and Revenue Secretariat | Mag File No 25 of 193 | [App. F. III–2

Serial No.

Committee of Dharmadarsi of Archak in his statement before the Amildar on 15/3/32 has stated among other allegations against the certain Dharmadaris that he was forced to apply for leave for a period of one year as they threatened him that they would have him murdered. During this leave period it is seen from records that the Sri Lakshmana Dharmadarsi arranged for the worship in Vydika Agama & got the same done by Panchanda Krishna Bhatta by writing & referring the matter to the Local Magistrate and obtaining his sanction to the arrangement. The true position of the state of affairs of the temple has been reported to the M.C. Chairman as in D.C's letter No PC 219-31 of 29/2/1932; as seen from para 6 thereof he directed the Amildar to frame charges against the archak while obtaining Co-operation of Subh. The same for his work. Records disclose that no regular charges have been levelled against the archak excepting that his work is unsatisfactory. These have been recorded by the Amildar & the S.D.O on the other hand has in fact supported

1-4-32

NOTE—Contn. Sheet.

6) Removal of the archak of Sri Pattabhiramaswami temple, Ramanathapuram, Tirukalyanur taluk.

Muz File No. of 1936

General and Revenue Secretariat

Serial No.

desirable person & that there are complaints against him. These complaints are not substantiated as seen from the records — vide D.C's order of 15/11/34 on the report of the S.D.O. The archak Ramakrishna Bhattar has been asked to take back to duty & his work banned for six months. It is seen from the archak's later petition (vide enc of 16/10/35) that he was not given charge of the work - The other trustees are responsible for this - On a perusal the D.C. The archak was informed that he has been removed from his hereditary duties of the temple (Vide his proceedings Endt no. R-Dis C 2009-30 dt 20/8/36) - It is against this order the archak came in appeal before the M.C. - Hence the above order of the D.C. has been set aside & has made certain observations as in para 3 of his order of 16/2/37 - A

A

The archak is found from the records to be residing at Ramanathapuram about 3 miles away & is also attending to archana works of another Trustee at Ramanathapuram. Five persons have said that he

A.

x B

x D

E

Removal of the archak of Sri Pattabhiramaswami temple at Ramanathapuram, Arkalgud Taluk.

General and Revenue Secretariat — Mysg. File No. 259 of 1936. [App. F. III—2

Serial No.

X Krishna Bhatta is the Parawardar archak. (Vide endt. No. 216 dated 18th Decr. 1921 of the Amildar, Arkalgud Taluk). It is a point for orders whether there is any reason for setting aside the order of the Mysore Comr. No. 14/36-37 dated 16th Feby. 1937 in view of the facts explained therein and in the order of the Dy. Comr., Hassan dt. of 15th Novr. 1934. Both the orders refer to the fact that no specific charges have been brought against the archak and to the necessity for payment of compensation to the archak if he is to be removed submitted for orders.

2.10.37.

It is clear from the records that no definite charges have been framed against the respondent justifying his removal from the office of Archak of Sri Pattabhi rama Swami temple, Ramanatha-pura. The Dy: Comr: H. V. Ramaswamy considered that therefore there was no justification to keep the respondent

TE—Contn. Sheet.

WD 0281—GPB—30,000—13-37

out of the office and while suggesting that action should have been taken under Sec. 36 of the R.D. Institutions Regulation, directed that the Archak should be reinstated. This order was however not given effect to owing to the agitation of the Dharmakartha & some members & ultimately the S.D.O. proceeded to take action under Sec. 36 of the Regulation. At a meeting convened by the S.D.O. 104 persons were present & they all declared that they did not want the Archak and agreed to pay within one month whatever compensation was fixed to be awarded to the respondent The S.D.O. made a report accordingly & the D.C. passed an order that the respondent's hereditary was removed as many devotees were against the continuance of the respondent & as the latter had the hereditary of the temples at Karaimma & Ramanathapuram The order further stated that the appointment can now be made the Paramandan & taken on duty

Serial No.

apte he produced the certificate of having passed the Vaikhomar examn. The Mag: Banc: on appeal set aside this order on the grounds (1) that it was not duly made and that 3/4 the of the workers living in the town had objected to the continuance of the Arrack & that compensation had not been deposited & (3) that there was nothing to show that the objection was a reasonable one based on proper grounds as no charges of any valid kind had been made against the appellant (respondent here).

2. The appellants contend that a majority of not less than 3/4 of the workers have objected to the employment of the respondent and are agreeable to the compensation & that therefore the provisions of Sec. 36 are complied with & that having regard to the object

WD 03594—GPB—30,000—18-7 35

the correspondent should be removed from office. It is submitted that the order of the Dt. Com. may be deemed to have been passed under Sec. 36 as he has not specifically referred to 3/6 Rs. of the charges levied by the Archaks & has only passed the compensation & the rejections have not also been set aside. The S. D. is right because in almost which of the 104 payments were charges & both the three Commissioners, the Municipal order seems to be right & does not call for interference.

2) In this connection, the observation of the Municipal Com. that the intervention of the Legislature & Govt. the objection should be a reasonable one based upon proper grounds & that change of a vested right should be made only after the Archaks have also been considered. There seems to be no force in this observation. It is true

e. Removal of an anicut of Sri Pallakkinmel Swami temple at Ramanathapuram. Araikal Pidi TR

enue

t Mer 3 File No. 25-9 of 1936. [App. F. III—2

Serial No.

GENERAL SECRETARY
7 OCT. 1937
Revenue

removal that the removal of an Anicut should not be kept be the Caprice of the devotees, which an undesirable Anicut should not be forced on an unwilling body of devotees. Although the Section is not very clear, the use of the term 'object' seems to indicate that the devotees should show cause against the encroachment of the Anicut.. On this point, the Law Dept may perhaps also be consulted

2) The case may perhaps be posted to Monday

Gen Secy A. Yesudian 31/10/37

Asst Secy Law 23 Nov 5.10.37

2cc) Please put up the File relating to passing of the Rc Instituting Regulation

Mufasil Branch) BNR 2.7.0

1-3 Law BNR 12.10.37

The Revision Section Regn 38-11-(Sls 1-3) is put up; but the Taker reqd. in para 2a

NOTE.—Contn. Sheet.

WD 03594—GPB—80,000—18-7-35

Mercy File No. 259 of 1936. General Sec

Legis 15-24

Has been traced to Law Secy's shelf; it has been taken for D No 6104 of 36 on 26.4.37

Sd by the C.W of Law Secy.

13/11

") Please trace on file and put up

BKR
13/11

Subd.

27) The concerned Legis collection (15-24) is put up with the file relating to the proposed amendment of the Religious and charitable Institutions Regn., and is tender Submission.

18/11

Whether a majority of three-fourths of the devotees resident in the village in which the Temple is situated object to the employment of Ramakrishna Bhatta as a pujari is a question of fact to be decided on the administrative side. But if as a matter of fact, a majority of three-fourths of the devotees object, then the Section (36) seems to leave no option to Govt but to remove the unwanted pujari. I do not think the Section contemplates an inquiry

(13

Appeal re the archakship of Sri Pallabhirama Temple at Ramanathapuram. Appeal granted

General and Revenue Secretariat

Mg. File No. 259 of 1936

[App. F. III–2

Serial No.

or consideration whether such objection is well-founded or born of prejudice. The removal of the pujari is, however, made dependant upon the objectors paying to him such amount by way of compensation as may be fixed by the Munsif. If the objection of the devotees is not well founded, and an innocent pujari has to be removed from office on account of their caprice, then I am sure, the Munsif will certainly order an adequate compensation to the pujari.

21.11.37

Asst. Secy
Mng. for
W.C.

GENERAL SECRETARY.
22 NOV. 1937
1848

I can't do any thing.) For perusal. The M.C.'s act itself is right but as a majority of the devotees, it appears, do not want the archak the M.C order would leave them disappointed and the temple may suffer.

The DC may perhaps be asked to hold or get held, in prospective, an enquiry to assess the strength of public opinion against the archak. If at a meeting held with 5 or 7 notice 3/4 of the number present vote against the archak he may be and given fair compensation. W.C

File No

anu Ke
cretaria

Serial No.

by the DC

3) Whether the case is to be heard here is for orders.

hw 4/12 W

OFFICE OF THE
REGISTRAR OF COUNCIL
DEC 4 1937
No ... 3063.

First Member) May be heard

) May be heard

SJO

7/12 hw 7/12

Letter no Ltr 53/36-37 dy 14.5.1938 from the Mazrai Commissioner forwarding the Proceedings of the meeting of the Members of Sri Vyshnava Community of Ramanathpuram held on 16/4/38 about the removal of the archak Ramakrishna Bhatta from his post.

Submitted for perusal.

SS 24/5

Letter no SI 200 dy 20.5.38 from Mr L.S. Raju Advocate for the appellants requesting that the Case may be adjourned for about two months till the receipt of Proceedings referred to therein.

The case has been posted for clearing on Monday the 30th instant. The Counsel for the appellants says that his clients

demarcation of archak Ramakrishna
Bhatta & Sons — The temple of Sri Partha Sarathiswamy
at Ramanathapuram —

and Revenue Secretariat — File No. 25 9 of 1936 — [App. F. III—2

Serial No.

have started fresh proceedings before the Dt. Mag officer, That it may be expected in about two months & till then the case may be adjourned — whether this is admissible is for orders — 36) the Inspl Comm. GS 2575 — order explains the facts of the case. It is a point for consideration whether in view of the facts stated therein, whether there is any necessity to postpone the hearing of the case and whether the appellant's advocate has given adequate reasons for postponing the hearing.

25-5-38

37) There is no harm in keeping the appeal by for 2 months. It is not clear as to what the proceedings are which have been started before the Dt.

If the M.C order has been given effect to the respondent will also have no grievance. This may however perhaps be Verified

Gen Secy

Un 2575

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13 4-37

Appeal re: The removal of Ramakrishna Bhatta from archakship in Sri Pattabhiramaswamy temple at Ramanathapuram. Arakalgud Tk

Mm3 File No. 259 of 1936.

General and Revenue Secretariat

There is unlikely to be no prejudice in postponing the hearing of this appeal by two months. The D.C may be asked as to the nature of the proceedings that have been started.

(1st Member)

C 25/5/38

C676

75

Dy 25/5

26/V

C 25/5

Dy 41 Dft. sd. —

26/5/38

No 1511 of 26.5.38 to The Advocate for the appellants intimating that the hearing of the appeal has been adjourned as prayed for.

Memo no 1512 of 26/5/38 to Ramakrishna Bhatta, the archak of the Ramanathapura temple, forwarding copy of the above for information.

Memo no 1513 of 26/5/38 to The Deputy Commissioner Hassan District forwarding copy of the above and calling for certain additional information as to the nature of the proceedings stated

Mrz case re: removal of Ramakrishna (17
Bhatta archak of the Ramanathapuram temple

and Revenue Secretariat — Mrz File No. 25 of 1936. — [App. F. III–2

Serial No.

to have been started by the appellants the case.

Memo no 1574 dy 26.5.38 of the Mazrai Commissioner forwarding for information Copies of the above.

Petition dy 30.5.38 from one Ramakrishna Bhatta, the archak of Sri Pattabhirama swami temple at Ramanathapuram, stating that any new case that may be filed against him by any one may be enquired into according to Law in due course and that the present case may not be kept on file pending the enquiry by the lower courts.

Letter no C 3 S. 99/36-37 dy 7.6.1938 from the Deputy Commissioner Hassan District stating that no fresh proceedings pertaining to the subject have been started before him by the appellants.

In view of D.C's report, it appears, the adjournment granted in favour of the appellants as prayed for by their Counsel, will be cancelled, & the case posted to a date in the next month which may be fixed.

SS 13-6-38 Submitted for orders.

In View of the pending

NOTE—Contn. Sheet.

mor of Ema
Hon the Arcot Sikh in Ramnathpuram temple

Mus File No. 259 of 1936.

General Secreta

Serial No.

received from the Dt. Mr. Magistrate
hearing would be stayed by Hon'ble
this Appeal open. If the Appellants
propose to withdraw the matter before
the Mr Magistrate's office, this Appeal
may as such be closed. Put up
for consideration whether it
may be reposted for hearing
at the next session & some
definite order passed

16.6.38

Genl Secy

GENERAL SECRETARY.
13 JUNE 1938
760

A date may be fixed & this
Appeal may be heard & disposed of on merits.
If the Community ~~Election~~ proceedings under the Mussalmans
Reg, that will form a separate Case.
No date may be fixed about end of July & this will give 2 months time to the
(8 Members)

Ce
18/6

Appellants Agt.

OFFICE OF THE
FIRST MEMBER OF C
JUN 14 1938
No. 9376

46) JPR
17/6

G
20/6

Mu3 appl no 23 of 36-37. re: removal (19
of Archak Ramakrishnabhatta from
Sri Pattabhiramaswami temple.
Ramanatapuram
Archakgrid TK.

nd Revenue
ecretariat Mu3 File No. 259 of 193 6 [App. F. III—2

Serial No.

47 Posted for hearing on Saturday The 13th Aug 1938 —

GS 10/8. 48 Adjourned to Saturday the 3rd Sept 38.
GS 13/8/38

49 Counsel on both sides heard.
Order reserved

3/10/38

Order

50 It is conceded on both sides that action has to be taken in this case under Section 36 of the Muzrai Regulation VII of 1927. But neither the order of the Deputy Commissioner nor that of the Muzrai Commissioner deals with the matter in full accordance with that Section. The Deputy Commissioner's order does not indicate, as pointed out by the Muzrai Commissioner, whether he is satisfied that three-fourths of the number of devotees were present and voted for the appellant's removal. If it was found that such a majority had voted for his removal, he should have fixed the compensation that is payable to the appellant. The Muzrai Commissioner while recognizing that action has been taken under Section 36 of the Muzrai Regulation does not give full effect to its implication. The Counsel for the appellants contends that, if three-fourths of the devotees are in favour Archak's removal, it must be given effect to accord

—Contn. Sheet.

WD 0284—GPB—30,000—13 8 37

20) 1484a

Appl re: removal of Ramakrishna Pillai from ancestral service in the temple of Sri Pallabhi and another

Muz 3 File No. 259 of 1936 General and Secretariat

according to the Section as it is mandatory and that the question whether the charges are reasonable or not does not arise under the language of the Section. Government must uphold this contention. The object of the Section appears to be to give some voice to a large majority of the devotees in the removal of an unsatisfactory Archak, providing for adequate compensation. Government therefore direct that the order of the Muzrai Commissioner be set aside and that the case be remanded for a further enquiry under Section 36 of the Muzrai Regulation. The Deputy Commissioner may take all necessary action in the matter and pass orders in accordance with the law

JPR 19/9/38

3117 20/9

51) D/h ordered

GS 22/9/1938 22.9.38.

9/10 Un

No 514 dy 7.10.38 to the Muzrai Commissioner forwarding Copy of the decision in the Muzrai Case referred to therein.

No 515 dy 7.10.38 to the Appellants through their Counsel.

No 516 dy 7.10.38 to the respondents through his Counsel.

TYPING SECTION 22 SEP 19 GENL

B 11/10/38.

REV. SECRETARIAT
1092
14. MAY 1937
AI BRANCH

Muz 259-36-

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE BANGALORE.

Muzrai Appeal No. 23 of 36-37.

Appellants:-

1. R.K. Srinivasa Ivengar.
2. R.S. Venkatachala Iyengar.
3. K.G.Subrahmanya Sastry.
4. R. Ramaswamayya.
5. Hulikal Ramaswami Iyengar.
6. R.B.Narasimhamurthyachar.
7. R.K. Subbaraya.
8. Shamachar.
9. R.Kittaya.
10 M. Rama Setty.
11.D.S. Nanjunda Setty.
12.R.S. Manjayya Setty.
13. R.S. Nagappa Setty.
14. Veerachari
15. Nanjachari alias Appajaiah.
16. Devaki Narayana Bhatta.

All residing in Ramanathapur, Arakalgud Taluk.

- VS -

Respondent:-

Ramakrishna Bhatt, Archaka, residing in Konanur Arakalgud Taluk.

Under Section 38 (2) of the Mysore - Religious and charitable institutions Regulation of 1927, the appellants above named beg to prefer this appeal, against the order of the Muzrai Commissioner in Mysore dated 16-2-1937 in Appeal case No. 14 of 36-37 on his file. on the following among other

G R O U N D S:-

1. The Learned Muzrai Commissioner erred in allowing the appeal before him and setting aside the order of the learned Deputy Commissioner removing the Respondent from the Archakship of Sri Pattabhirama swamy Temple at Ramanathpur, Arkalgud Taluk.

2. The order of the Learned Deputy Commissioner based as it was on the - detailed enquiries held by the Sub Division Officer and Amildar, was entirely legal, correct and proper in the circumstances of the case and the Learned Muzrai Commissioner erred in setting aside the same.

3. The Learned Revenue Commissioner ought to have seen that Section 36 of the regulation was mandatory in its character and that in view of the concurrent findings of the Muzrai officers that a - majority of not less than ¾ of the devotees of the temple in question, very strongly -

and emphatically objected to the employment of the respondent as Poojari or Archak of the said Temple the respondent had to be removed from office, and the objectors could only be called upon to pay reasonable compensation to him as fixed by the Muzrai Officer.

4. The petitioners who are a few amongst the numerous objectors to the employment of the respondent as Archak were always agreeable and are even now agreeable to deposit any reasonable compensation as may be fixed by the Muzrai Officer. The Learned Revenue Commissioner failed to notice that unless the quantum of compensation was so fixed, the objectors were not in a position to deposit any amount.

5. The Learned Revenue Commissioner further failed to notice,

(a) That the respondent holding Archakship in four different temples situate at a distance of 4 miles apart, was apart from other grounds of unfitness, physically incapable of attending to his duties as Archak satisfactorily.

(b) That there are overwhelming protests on the part of devotees against the Respondent performing the duties of Archak on account of his conduct and character and that the subordinate officers have satisfied themselves regarding this matter.

(c) The respondent himself did not

not report for duty after November 1934 but on the otherhand, he practically relinquish his right voluntarily in favour of his son on account of the admitted fact that Sectio.. 36 of the Regulation acted as a bar to his further continuance in his office and

(d) And that even on grounds of public policy and proper administration of the - Temple affairs and the spirit underlying - the provisions of section 36 of the - Regulation the respondent could not be forced to act as Archak against the wishes of and inspite of the protests of more than 75% of the devotees to the temple.

6. Even if the learned Revenue - Commissioner felt that there was any irregularity in the procedure adopted by the Muzrai Officers or any doubt regarding the requisite ⅔ majority he should have remanded the case for further disposal and not directed the - re-instatement of the respondent to immediate duty.

7. The appellants and the other devotees who have a statutory voice under the regulation in the removal of the respondent - were never notified either singly or collectively in connection with the appeal before the - Muzrai Commissioner, and on this ground alone, the order now under appeal is liable to be set aside.

8. The order of the learned Muzrai Commissioner is also otherwise against Law and incorrect.

Appellants ~~xx~~ respectfully pray that the same may be reversed by the Government of Mysore and the order of the Learned Deputy Commissioner restored.

Advocate for Appellants.

Bangalore
Dated 7th May. 1937.

APPELLANTS.

Forwarded with Compliments to the Deputy
Commissioner for favour of submitting
the entire records connected with the case.

By order.

A 10175

Mr. C.V.V.

Mir Sajad Hussain
for General Secretary
to Govt.

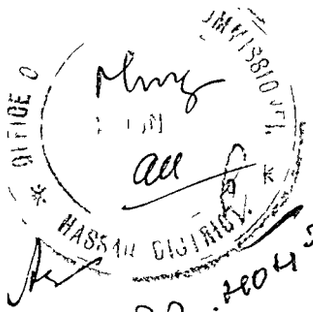
CS
24/5/37

H.C.55/36-37

Memo.

Forwarded with Compliments the Deputy Commissioner's Hassan district for favour of submitting the connected records in the matter at an early date.

M. N. Brahmaiah
2.6.37
for Musrai Commissioner



1502

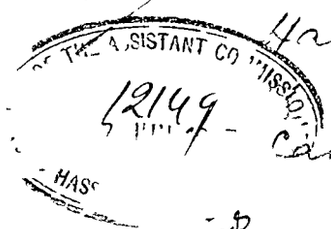
C.3579-36

PR. 2604

Memo.

Forwarded to the Sub Div. officer Hassan for submission of enquiry records connected with the case at an early date.

for the Deputy Commissioner
4/6/37



CS. Submit the records called for which have been received in this office

4/6/37

for Deputy Commissioner
10/6/37

Immediate -36- Records.
CS-C 1681 for 1450-36

Forwarded to the Amildar, Arsikere with the connected records which were sent to him on 24.6.37.

for Sub-Divisional Officer
7/6/37 S.B.O. Hassan

Submitted for favour of perusal
10/6/37

7

OFFICE OF THE DEPUTY COMMISSIONER,
HASSAN DISTRICT.

Dated Hassan, the 7th June *1938.*

D.No 1484(a)

FROM

T. Ramaiya, Esq., B.A., (Hons)
Deputy Commissioner, Hassan District.

To

C. Subrahmanya Aiyar, Esq., B.A., B.L.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

GENERAL SECRETARY.
9 JUNE 1938

SIR,

Muzrai Appeal No.23/36 about the archakship held by one Ramakrishna Bhatta in the temple of Sri Pattabhiramaswami temple at Ramanathpur.-

---

With reference to your Memo No.1513/Muz. 259-36 dated 26th May 1938, forwarding a copy of your endorsement No.1511/Muz.259-36 of the same date addressed to Mr.L.S. Raju, Advocate,Bangalore re. the above, I have the honor to state that no fresh proceeding pertaining to this subject have been started before this office.

2. Some of the members of the Sri Vaisnava community at Ramanathpur having petitioned on 29-4-1938 that the car festival of Sri Pattabhiramaswamy temple at the place should not be allowed to be conducted so long as the present archak Ramakrishnabhatta continues in office, orders were passed the same day to the effect that the question of removal of the archak could not be mixed up with the question of the conduct of Rathothsavam, and that the Rathothsavam should be performed as per mamool; and the records were returned to the Sub Division Officer, Hassan, with necessary instructions.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Hassan District.

Order of the Mussai Commissioner in Mysore

Appeal case No. 14/36-37.

Appellant:- Ramakrishnabhatta Archak of Sri Pattabhiramaswamy temple at Ramanathpur, Arkalgud Taluk.

Subject

Appeal against the order of the Deputy Commissioner, Hassan district directing the removal of the appellant from the archakship of Sri Pattabhiramaswami temple at Ramanathpur Arkalgud Taluk.

Facts of the case

An extract from the "Viswakarmataka" wherein it was said that the worship etc was not being properly performed in the Sri Pattabhiramaswamy temple at Ramanathpur, was forwarded to the Deputy Commissioner, with his Office Memo: No. P.C. 197/31-32 dated 30-11-31 for enquiry and disposal. Another petition re the non-performance of the puja in the proper manner was also received in the Taluk Office. The Revenue Inspector who conducted the enquiry reported that as a consequence of the misunderstand-

chak (appellant) the latter had gone on leave from 19-10-31, that at his investigation people knowing Vaikhanasa Agama were not forthcoming for conducting the worship in the temple and that worship as per Vaidikagama was being conducted by the Panchanak Krishnaiengar. The Amildar, after personal inspection, while endorsing the opinion of the Revenue Inspector recommended that unless the Karnavardar was dismissed, no archak who knew Vaikhanasa Agama could be found. The Sub Division Officer also, while submitting the records stated that on personal enquiry he found that Rama Krishnabhatta (appellant) was not a desirable person to be appointed as Archak.

The Deputy Commissioner, thereupon directed the Amildar to frame charges against the archak, obtain his explanation and then to submit the same for orders.

After necessary enquiry, the Amildar reported in his report dated 24-10-33 that there was no reason whatever to dismiss the permanent Karnavardar, but there was strong ill-feeling between the archak and the devotees that under the circumstances it was

COMMISSIONER 7 MAY 1937 BANGALORE

not possible to take work from Rama
-~~his~~ Krishna Bhatta (appellant) and
requested that the existing arrange-
ments might be ordered to be conti
nued for some time. The Sub Division
Officer accorded sanction thereto
in his order dated 19th February 34.

As against the above order,
the appellant preferred an appeal
to the Deputy Commissioner. The
Deputy Commissioner (Mr. H. V. Raina
-swami) after going through the re-
cords, observed in his order dated
15-11-34 that from the Amildar's report
it was evident that no definite
charges were brought and proved
against the archak, that the charges
were that he did not help the devotees
to perform sevas, that the Dharma-
darsis did not permit him to
return to duty, that if the archak
had to be removed as per the desire
of the Dharmadarsis or devotees,
action should have been taken
under Section 36 of the Mysore Re-
ligious & Charitable Institutions
Regulation, that this aspect of the
question had not been considered
and that no action had been taken
by the Amsani Officer after holding
a formal enquiry and directed
therefore, that the archak (appellant

should be watched for six

This order of the Deputy Commissioner was not given effect to, as the devakkes and the Dharmadarsis objected to the appellant having taken on duty and were prepared to pay the Appellant any reasonable amount of compensation. As it was not known if the devakkes that wanted the removal of the archak (appellant) were not less than 3/4th of the devakkes, a public meeting was called for as directed by the Deputy Commissioner, at which 104 people were present and they said that the appellant may be removed from office and that they would pay the compensation to be fixed by the Muzrai Officer for payment to the archak. In the interval, Seetharamabhatta son of the appellant who is studying in the Vaikhanasa Agama class at Alpana, having requested that the varavaard may be made in his name, the Deputy Commissioner in his order dated 17-3-35, directed the removal of the varavaard from the name of the appellant and ordered that it may be made in the name of Seetharamabhatta who has qualified himself in the

that, till then, the present archak, who has been doing the duties might continue in office.

Hence the appeal.

The case came up for hearing on 16-1-37 when the appellant & his counsel were present and heard.

Order No. 14/36-37 Dated 16-2-37.

I have heard the appellants Counsel and also perused the records of the case. When the question of removing the appellant from the archakship came before the Deputy Commissioner, Mr. V. K. V. Ramaswami in November 1934, he observed that no definite charges had been proved against the appellant. He observed that the arbitrary recommendation of the Dharmadarsi that the appellant should be removed from office could not be accepted. He therefore, ordered that the appellant should be restored to his office.

This order, I regret to say, has not been carried into effect. The appellant has subsequently been removed from his office on the basis of action purporting to have been taken under Section 36 the Charitable Institutions Act. The enquiry has been

narayanarao, on a motion devotees of the temple objecting to the appellant being taken on duty. Action under Section 36 to remove an archak may be taken, if, not less than 3/4ths of the devotees of a Mussai temple who are residents in the village or town in which the temple is situated, object to the employment of a pujari, provided that the devotees are prepared to pay such amount of compensation as may be fixed by the Mussai Officer. The enquiry in this case cannot be considered to have been properly held. It is not clear if 3/4ths of the devotees living in the town had objected to the continuance of the appellant as archak. The record of the enquiry held by Mr. Sreeyanarayanarao consists of a statement by the devotees made before him on 13-7-36. In regard to this statement, the appellant has stated that all the signatories are not residents of Ramanathapuram. To this reference to this, Mr. Sreeyanarayanarao has observed that a few of those present might have come from outside. In an enquiry of this kind on which the dismissal of a hereditary servant from his office is contemplated. It is surprising that the

Sub Division Officer should have failed to ~~should~~ satisfy himself that the persons who were consulted were people who are entitled to be consulted. Further, the appellant has been kept out of his office before the devotees proved their good faith by depositing the compensation required to be paid to the appellant. Section 36, no doubt, does not state the nature of the objection which devotees may take to the continuance of an archak, but it is obvious that the objection must be a reasonable one based upon proper grounds. In the present case, no charges of any valid kind have been made against the appellant. All that is apparent is that there is a volume of prejudice against the appellant as a result of which he is kept out of office. I consider that this action is grossly unfair. The Deputy Commissioner's order under appeal is therefore set aside. The appellant should be taken on duty immediately.

3. If there are any charges which the devotees of the temple wish to make against the appellant they may certainly do so, and such complaints when made should be carefully enquired by the Sub Division Officer.

COMMISSIONER 7 MAY 1937 BANGALORE

merely with reference to the charge but also with reference to the competence of the complainants to make the complaint. The Dharmadarsis seem to be going far beyond their normal sphere of duties. They should be distinctly told not to interfere in matters which are outside their jurisdiction.

Sd/ T. V. Anantaraman
Mysore Commissioner.

Copy applied for by Mr. R. K. Swami - Vasingar on 6-5-37
Copy ready on 7-5-37
Copy delivered on 7-5-37
No. of words 1170.
Copying fees 1-8-0.
Comparing fees 0-6-0
Total 1-14-0

THE MYSORE COMMISSIONER
7 MAY 1937
BANGALORE

Copied by S Jayaramaiah
Compared by A Venkataramaniah
"Copy"
M Ramaswamy Iyengar
Manager
Mys. Comm's Office

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE BANGALORE.

ಹೊಸೀನರಸೀಪುರದ ಮುನ್ಸೀಫ್ ಕೋರ್ಟಿಗೆ

Muzrai Appeal No. of 36-37

~~O.S.~~ No
S. C. of 193 --193

ವಾದಿ		ಪ್ರತಿವಾದಿ
Appellants:-		Respondent.
R.K. Srinivasa Iyengar and 15 others.	VS	Ramakrishna Bhatta.

~~NG~~

ಮೂಡಲಕೊಪ್ಪಲು ಕೆ ಎಸ್ ಶಾಮಜು, M A (Hons) B L Advocate ಎಮ್ಮೆಲ್ಲು ಮೂಡಲಕೊಪ್ಪಲು ಬಿ ಆರ್ ಪೂರ್ಣಯ್ಯಾ BA, B L, Advocate ಯವರಿಗೆ ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ನಾಮ.

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲ ತಾವು ನನ್ನ ಪರವಾಗಿ ಅಪೈರುವರಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸಲಿಕ್ಕೂ ತಮಗೆ ಸೂಕ್ತತೋರಿದಂತೆ ರಾಜಿಮಾಡಿಕ್ಕೊಳ್ಳವದಕ್ಕೂ ನನ್ನ ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಹಣ ವಸೂಲ್ಮಾಡಿಕೊಳ್ಳವುದಕ್ಕೂ,ನಡೆಸಿ ಜಾರಿಕ್ರಮಕೋರ್ಟ್‌ನಿಂದ ನನಗೆ ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಶಿಲ್ಕು ಮೊಬಲಗು ಮತ್ತು ರೀಫಂಡಾಗತಕ್ಕ ಸ್ಟ್ಯಾಂಪನ್ನು ಪಡೆಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ, ಮತ್ತು ಎದರು ಪಾರ್ಟಿಯಿಂದ ನನಗೋಸ್ಕರ ಮೊಬಲಗುಪಡೆದು ರಶೀತಿ ಕೊಡುವುವಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಧೇನೆ.

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಾನು ಮಾಡಬೇಕಾದ ಕೆಲಸಗಳನ್ನು ಸಕಾಲದಲ್ಲಿ ಮಾಡದೆ ಹೋದಲ್ಲಿಯಾಗಲಿ ತಮಗೆ ಕೊಡಬೇಕಾದ ಫೀಜನ್ನು ಬಾಕಿ ಉಳಿಸಿಕೊಂಡಲ್ಲಿಯಾಗಲಿ ತಾವು ಮೊಕದ್ದಮೆಯಿಂದ ರಿಟೈರಾಗಲು ಪೂರ್ಣಾಧಿಕಾರವನ್ನು ಕೊಟ್ಟರುತ್ತೇನೆ.

ಈ ಆಧಾರದ ಮೇಲೆ ತಾನಾಗಲಿ, ಮತ್ತು ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿಧೇನೆ.

K. G. Subrahmanya Sastry BA

ತಾ|| 193

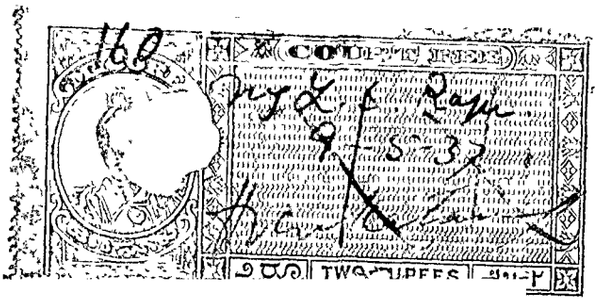
ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಅಂಗೀಕರಿಸಿಧ್ದೇನೆ.

ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಕೊಟ್ಟವರು ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ ಮತ್ತು ನನಗ ತಿಳಿದವರಾಗಿರುತ್ತಾರ

G. R. Doreswamy

ಶ್ರೀಲಕ್ಷ್ಮೀನರಸಿಂಹ ಸ್ಟಾಂಪ್ಸ್, ಹೊಳೀನರಸೀಪುರ

9. 5. 37



Muz 259-36-2

Ramanathapur Arakalgud Tq. Presented in person at Fernhill

IS HIGHNESS THE

ANGALORE.

of 36-37.

Appellants:-

1. R.K. Srinivasa Iyengar.
2. R.S. Venkatachala Iyengar.
3. K.G.Subrahmanya Sastry.
4. R.Ramaswamayya.
5. Hulikal Ramaswami Iyengar.
6. R.B. Narasimhamurthyachar.
7. R.K. Subbaraya.
8. Shamachar.
9. R.Kittaya.
10. M.Rama Setty.
11. D.S. Nanjunda Setty.
12. R.S. Manjavya Setty.
13. R.S. Naganna Setty.
14. Veerachari.
15. Nanjachari alias Appajaiah.
16. Devaki Narayana Bhatta.

All residing in Ramanathapur Arakalgud Taluk.

Presented by appellants here - I see no reason to issue a stay order - The appeal petn may be dealt with as usual

- VS -

Respondent:-

Ramakrishna Bhatta, Archaka residing in Konanur, Arakalgud - Taluk.

1/12 PH/5 Murdeshwar 13/5 9 July

1. The appellants have t is day preferred an appeal against the order of the Muzrai Commissioner, Mysore dated 16-2-37 in appeal case No. 14 of 36-37 setting aside the order of - the Deputy Commissioner and directing that

that the respondent should be reinstated - immediately as Archak of Sri Parthabhirama-swamy Temple Ramanathpur.

2. From the grounds set forth in the memo of appeal and from the records of the case, it will be clear that the order of th Learned Muzrai Commissioner is against Law and is tantamount to thrusting the respondent against the wishes of the majority of the - devotees, and whose wishes if it is more - than 3/4, should be given effect to under - the statute.

3. Under the aforesaid circumstances it is necessary, just and expedient, that the status quo must be maintained until the appeal is finally disposed of by the Government.

4. Especially as the Sri Ramothsavam festival has to come off soon, it would - not be fair to the feelings of large number of devotees, whose contributions go to swell the funds of the temple, that an unwanted and objectionable person as the respondent, should officiate as Archak of the temple after the lapse of several years.

5. The appellants respectfully pray that the Government of Mysore may be pleased

pleased to issue an immediate stay order - directing that until the appeal before the Government is disposed off, effect should - not be given to the order of the Learned - Revenue Commissioner.

Advocate for Appellants.

1st Appellant.

Bangalore
Dated 9/14 May. 1937.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

1538

Mug 259-36-3

General and Revenue Secretariat,

Dated Bangalore, 21st May..... *193 7.*

~~NOTIFICATION~~

ENDORSEMENT.

To

Mr. R.K. Srinivasa Iyengar & 15 others

C/O, Mr. L.S. Raju, M.A.(Hons), B.L.,

Advocate, Chickpet, Bangalore City.

With reference to their petition dated 9th May 1937 appealing against the orders of the Muzrai Commissioner in the matter of the removal of Venkatakrishna Bhatta, Archak of the temple of Sri Pattabhiramaswami at Ramanat pur, Arkalgud Taluk, Mr. R.K. Srinivasa Iyengar & 15 others of the place are informed that Government see no reason to issue a stay order as prayed for by them.

By Order,
Sd. M. Venkatesa Iyengar

~~Xxxx~~ General Secretary to Government

Memo No. 1539 Mug Dated, Bangalore the 21st May 1937.

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore, for information.

By Order,

Mir Safdar Ahmed

For General Secretary to Govt.

Aga/2.

CT .....

.....

.....

Section Misc

File No. 259-36

Serial No. 3

Letter replied to .....

No. 1538

To Mr R. K. Srinivasa Sayana & 15 others
C/o
Mr L. S. Raju M.A (Honors) B.L.
Advocate, Chickpet,
Bangalore City.

General and Revenue Secretariat

( )

the 193 .

ate of issue ....21-5-37.....

ed by Mr Safdar Hussain

Sir,

With reference to your petition dated 9
appealing against the order of the
M.C. in the matter of the renewal
of Ramakrishna Bhatta
archak of
the Temple of Sri Pattabhira
Swami at Ramanathapura, Arasikere
Tk., Hassan Dt. & 15 others of the place are
informed that Government see no
reason to issue a Writ or
as prayed for by them.

List of enclosures .....

Copied by .....

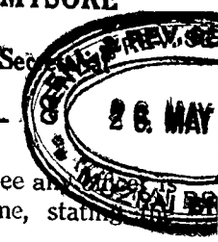
Examined by .....

1539/Misc 21-5-37 for Secy
Copies to M/s
GS 20/5/37

WD 71—GBPM—40,000—20-7-31

GOVERNMENT OF MYSORE

General and Revenue Secretariat



RVIEW WITH THE 1st MEMBER OF
UNCIL.

A visitor desiring to see an Officer is requested to send up his name, stating the nature of his business.

VER:

Name K K Srinivasa Iyengar of Ramanathpur

Whom he wishes to see— 1st Member of Council

Business R. Temple Archak.

R.K. Sreenivasa Iyengar,
Ramanathapur,
Arkalgud Taluk,
Hassan District.

A Pattabhi Rama Devaru Temple

Seen by the Member.

Sent to Revt. Secy.

e petitioner along with others
mitted a petition on 11-5-1937
on at Ooty appealing against
er of the Muzaray Commissioner
ng the Archakship of Sri.Patta-
bhi Ramaswamy Temple at Ramanathapur,
through Mr. L.S.Raju, Advocate B'lore.

2) In this connection the petitioner has also prayed for the issue of Stay Order. He now learns that no stay-order has been ~~would be~~ issued till now in the matter.

3) The following are the most important reasons which seemed to necessitate the issue of the Stay Order prayed for.

a) The present Archack is performing his duty as Archak of the temple for the last 5 or 6 years.

b) The Temple worship will seize soon after the unwanted Archak to take charge of the Temple and the situation at the place will become worse.

THE PALACE, MYSORE

August 1937

Mis 259-36-5

The petition, of which particulars are given below, to His Highness the Maharaja, is forwarded with compliments for favour of disposal.

To

The Secretary to the Government
of H. H. the Maharaja of Mysore.
General Department
Bangalore

By Order,

for Private Secretary
to H. H. the Maharaja of Mysore.

No. 116 of 37-38

From the inhabitants of Ramanathpur, Arkalgud Taluk, praying that the order of the Inzrai Commissioner in favour of Archak Rama Krishna Bhatta may kindly be confirmed.

OFFICE OF THE PRIVATE SECRETARY
12 AUG 1937
TO H.H. THE MAHARAJA
GENL. & REV. SECRETARY
164
17 AUG. 1937

26

(20) ఆర్. ఎల్. నరసింహారావ్.

(21) ఎవి. [illegible]

(22) ఎస్. శ్రీరామ రెడ్డి.

[illegible] —

(1) [illegible]

(2) [illegible] (3000) [illegible]

(3) [illegible]

(4) [illegible]

55 Encl 4 Files
36-37

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore,.... 12th August 16

GENL & REV. SECRETARIAT
173.
17. AUG. 1937
MUZRAI BRANCH

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore.

To

Mucz 259-36-6.

GENERAL SECRETARY
16 AUG. 1937

M. Venkatesa Iyengar, Esq., B.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
....General... ..... *Department.*

SIR,

Appeal Petition of Mr. R. K. Srinivasa Bhatta,
and 15 others re. the removal of Ramakris ami
Archak of the temple of Sri Pattabhiram
at Ramanathapur, Arkalgud Taluk.

With reference to your Memo No.1540/Muz.259-36-4 dated 21st May'37 calling for the records re. the above, I have the honor to forward herewith the entire records received with Hassan District Deputy Commissioner's letter No.C.3579/37 dated 27th July 1937 as also this office file No.App.14/36-37 on the subject, and to state that the facts of the case are fully set forth in this office order dated 16th March 1937, enclosed in the records.

The appeal petition received with your Memo under reply, is herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,

K V Anantaraman

Muzrai Commissioner.

No. HC. 55/36-37. OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, ...14th. May.....*1938.*

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

To

M. Venkatesa Iyengar, Esq., M.A., B.L.,
Secretary to Government of His Highness
the Maharaja of Mysore,
.....General.....*Department,*

SIR,

Appeal Petition of Mr. R. K. Srinivasa Iyengar and others re. the removal of Ramakrishna Bhatta from the Archakship of Sri Pattabhirama-swamy Temple at Ramanathapur, Arkal-gud Taluk.

In continuation of this office letter No.H.C.55/36-37 dated 16-8-1937, forwarding the records relating to the above subject, I have the honor to forward herewith, the Prodeedings of the Meeting of the Members of the Sri Vaishnava Jommunity of Ramanathapur, received with Hassan District Deputy Commissioner's letter No.C.3579/36 dated 3rd May 1938, for --------

information of Government.

I have the honor to

Sir,

Your most obedient servant

Assistant Commissioner
For Muzrai Commissioner.
(Absent from headquarters

Rpt. 12 Arakalgud
19.4.38
Mins

Proceedings of the meeting of the Members of the - Sri-vaishnava Community of Ramanathpur Village, Arakalgud Taluk, held at Sri Parakala Mattam, Buildings at Ramanathpur on 16-4-1938 to consider the question of appointing - ~~of~~ a suitable and fit person as Archaka of Sri Pattabhi - Ramaswamy Temple at Ramanathpur and removing the present Archaka, Ramakrishna Bhatta and the heriditary rights of his descendants including relatives.

THE DEPUTY COMMISSIONER
19. APR. 1938

President (Elected).

Mr. R.K. Srinivasa Iyengar, Ramanathpur.

Members Present.

1. Sri Sreenivasa Sate-kopachar sway Avl. Ramanathapur,
2. Mr. H. Ramaswamy Iyengar, Ramanathapur,
3. ,, R. Shamanna, -do-
4. ,, H. Sreenivasa Iyengar, -do-
5. ,, R.S. Venkatachal Iyengar, -do-
6. ,, Konemane Srinivasaiengar, -do-
7. ,, R.K. Ramaswamy Iengar, -do-
8. ,, R.S. Venkatapathi, Iyengar, -do-
9. ,, Konemane Ramaswamy Iengar, -do-
10. ,, V.Ramanuja Iyengar, -do-
11. ,, S. Dooraswamy Iyengar, -do-
12. ,, S. Shammanna, -do-
13. ,, Thenginamara Ramaswamy Iyengar, -do-
14. ,, S.Sampatiengar, -do-
15. ,, Vedantha Iyengar, -do-
16. ,, Narayana Iyengar, -do-
17. ,, Therinamane Janardhana Iyengar, -do-
18. ,, Venkatarama Iyengar, -do-
19. ,, Ramakrishna Iyengar, -do-
20. ,, Angadibedi Sampatiengar, -do-
21. ,, Bellada Srinivasa Iyengar, -do-
22. ,, Hunisenamarada Srinivasa Iyengar, -do-
23. ,, V. Sreenivasa Iyengar, -do-
24. ,, V. Ramaswamy Iyengar, -do-
25. ,, V. Krishna Iyengar, -do-

26. Mr. Govindaraja Iyengar, Ramanathapur,
27. ,, Nrasimha Iyengar, -do-
28. ,, Jodidar Srinivasa Iyengar, -do-
29. ,, Krishna Iyengar, -do-
30. ,, Vamanachar, -do-
31. ,, Srinivasa Iyengar, -do-
32. ,, Shammanna, -do-
33. ,, Venkatadri Srinivasa Iyengar, -do-
34. ,, S. Venkatarama Iyengar, -do-
35. ,, Konemane Janardhana Iyengar, -do-
36. ,, -do- Sampatiengar, -do-
37. ,, ~~Kasi Sreenivasa Iyengar~~, -do-
38 [illegible]

******

RESOLUTIONS.

We, the adult Members of the Sri-vaishnava community who constitute technically the devotees of Sri Pattabhi - Ramaswamy Temple at Ramanathapur, Arakalgud Taluk, Hassan District, do hereby resolve as follws:-

1. The the present Archaka Ramakrishna Bhatta of the aforesaid temple is unfit- to conduct the worship of the Devaru in the temple and we the devotees have strong objectic and un-willingness for the continuance of himself or any of his descendants and relatives in office as Archaka and therefore we pray that the Government of Mysore, may be pleased to take action under section 36 of the Religious and Charitable ~~Endowment~~ Institutions Act No. VII of 1927 and remove him, and to ~~conduct~~ cancel the heriditary rights of his descendants including his relatives from Archaka-ship in the said temple and - appoint Venkataramana Bhatta, ~~when~~ whom we have selected as a proper and fit person to occupy the aforesaid office. We hereby agree to pay reasonable sums, if any, as may be fixed by the Muzrai Officer to the Archaka as compensation for his removal and the cancellation of the heriditeray - rights of his descendants including relatives.

2. That the President Mr. R.K. Srinivasa Iyengar, has been authorised

authorised and requested to submit copies of these -- proceedings in English ~~and~~ Kannada with our S gnatures to ~~them~~:-

1. The Muzrai Commissioner to the Government of Mysore,
2. The District Muzrai Officer, Hassan District,
3. The Sub Division, Muzrai Officer, Hassan ~~District~~,
4. The Taluk Muzrai Officer and Amildar, Arakalgud Taluk,
5. She ~~N~~ Mr. L.C. Raju, M.A. (Hons.), B.L., Legal Adviser in Muzrai appeal of 1936-37 -

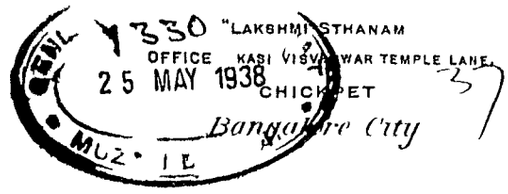
ponding before Government, for information with a request to arrange for the proceedings in the appeal being kept - in abeyance pending final orders, on the proposal now - submitted in these proceedings.

-SIGNATURES. 16-4-38

Serial No.	Signature.	Age.	Place of Residence.
1		66	
2		56	
3		28	
4		50	
5		56	
6		48	
7		54.	
8	R.S. Venkatapathi Iyengar	25	Ramanathapura
9			
10		50	
11		25.	
12		22	
13		43	
14		30	
15		56	
		47.	

L.S.KA. U M.A.,(HONS) B.L.
ADVOCATE.
++++
RESIDENCE:- "SITA VILAS"
BASAVANGUDI P O
(BANGALORE)

46.49
24/5



D. 20th May 1938.

No Gl. 200.

Muz 259-36

THE FIRST MEMBER OF COUNCIL,
Old Public Office Buildings,
BANGALORE.

Dear Sir,

Re: Muzrai Appeal No. 23 of 36-37.

(R.K. Sreenivasa Iyengar & others Vs. Rama Krishna-Bhatta.)
posted for hearing to 30-5-1938, at 2 P.M.

1) My clients by a resolution dated 16-4-1938 at Ramanathapur, have requested me to put in a prayer that the above appeal may be kindly kept pending till the fresh proceedings which they have started before the District Muzrai Officer, Hassan District, on the identical matter in question is decided and comes up before Government in the regular way in due course.

2) It is expected that the said proceedings may come up before Government within two months. I request that you will be pleased to kindly adjourn the above appeal till then, as prayed for by my clients.

Yours faithfully,

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, 26th May 1938.

No. 15 II Muz 259-36

ENDORSEMENT.

To

L.S.Raju Esq., M.A.(Hons.),B.L.,
Advocate, Bangalore City.

- - - -

Subject:- Muzrai Appeal No.23 of 36-37 about the archakship held by one Ramakrishna Bhatta in the temple of Sri Pattabhiramaswami at Ramanathapur, Arkalgud Taluk.

With reference to his application No.91.200 dated 20th May 1938 filed on behalf of his clients requesting that the above appeal may be kept pending for another 2 months till the disposal of the fresh proceedings said to have been started by his clients before the District Muzrai Officer, Hassan District on the identical matter, Mr. L.S.Raju is informed that the hearing of the appeal has been adjourned and that the next date of hearing will be intimated in due course.

By Order,
(Sd.) C. Subramanya Iyer.
For General Secretary to Government.

GS No 1512-37 26/5/38 P.T.O.
Copy to Rama Krishna Bhatta P.T.O

Memo No. 1513 dt 26-5-38

Copy of the foregoing is forwarded with compliments to the Deputy Commissioner, Hassan District, with a request to specify for the information of Governme the nature of the fresh proceedings that have been started before him by certain residents of Ramanathpur Arakalgud Taluk, about the archakship of Ramakrishna Bhatta.

By Order,

(Sd.) C. Subramanya Iyer.

General Secretary to Government.

Memo No. 1514 dt 26-5-38

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore, for information.

By Order,

For General Secretary to Government.

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue....26.5.38.....

Signed by ...Dy.Sy.K.V.Iyer...

List of enclosures.....

Copied by .....

Examined by.....

Section Mis3

File No. 25.9.36.

Serial No.

No. 1511

To Mr. A. Narasimha Iyengar and others c/o L.S. Raja Esq M.A. (Hons). B.L. Advocate. Bangalore city

Subject:- Mis3 appeal no 23 of 36-37 about the arrack Shop held by one Ramakrishna Bhatta in the centre of Sri Pattabhiramaswami at Ramanathapura Arakalgud T.K.

With ref to Mis3 appeal no Cl 200 of 20.5.38 filed on behalf of his clients requesting that above said appeal may be kept pending for another 2 months till the disposal of the fresh proceedings said to have been started by your clients before the Dy Mis3

Stet

Harsan Dh., on the identical matter,
~~R. K. Srinivasa Iyengar and 6 Ors~~
~~Hon. L. J. Raju~~ is informed that the ~~the~~
hearing of ~~this~~ appeal
~~case~~ has been adjourned and that
the next date of hearing will be
intimated in due course.

B. O

15/2 dt 26-5-38

For you see

Copy to The Amildar - Arakalgud TK.
with the direction that the parties
~~on whom the Notice Summons~~ marginally noted
in the case may be informed of the
adjournment & their acknowledgment
obtained & forwarded to this Office
for information.

Appellants
R. K. Srinivasa Iyengar
R. S. Venkatachala &
4 others of Ramnathp
Arakalgud TK.

Respondent.
Ramakrishna
Bhatta
residing at Kumar
Arakal
TK

B. O

For you see
15/3 dt 26-5-38
Copy to the D.C. Harsan Dh
with a request to Specify for information the nature
of the fresh Proceedings that have
been started before him by certain
residents of Ramanathpura, Arakalgud
TK about the archakship of Ramakrishna
Bhatta.

B. O

For you see

GS 26/5/38

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

No. 1511 dated 26-5-38

Copy of the above is forwarded to the Inspr. Genl. Coms. for information

By order

Sd.

Secy. to Govt.,
Gen. Dept

0436—GPB—10,000—17-10-33

OFFICE OF THE
FIRST MEMBER OF COUNCIL
JUN 3 1938
No.....

TWO RUPEES

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

Muzrai Appeal No.23 of 36- 37.

Mys 259-36-7
GENL & REV. SECTT
1395
7 JUN 1938

Appellant:- R.K. Srinivasa Iyengar and others, residing at Ramanathapur, Arkalgud Taluk.

VS.

Respondent: Archak Ramakrishnabhatta, Konanur, Arkalgud Taluk.

The respondent abovenamed begs to state as follows:

1. The appellant has filed the above appeal against the order of the Muzrai Commissioner in Muz. Appeal Case No.14 of 36-37 on his file, directing the respondent to be reinstated at once to the Archakship of Sri Pattabhiramaswamy Temple.

2. That the appeal is not maintainable according to law, as observed by the learned Muzrai Commissioner, since "no charges of any kind have been made against the respondent" and enquiry made thereon and the other formalities provided for under Section 36 of The Mysore Religious and Charitable Institutions Regulation have not been complied with.

3. That, therefore, no case was made out to any extent, for the dismissal of a hereditary servant, who has been doing his duties satisfactorily for the last 25 years and more. No appeal, therefore, lies to Government.

4. That the case against the respondent is due to the grudge borne against him by the Dharmadarsis on account of his exposing their serious irregularities

and illegal conduct in supervising the affairs of the temple.

5. That the respondent was not taken to duty at all as per orders of the then Deputy Commissioner Mr.H.V. Ramaswamy, as severely remarked by the Muzrai Commissioner in his order. Again in spite of the perremptory direction in the Muzrai Commissioner's order, respondent was not taken to duty for 4 or 5 month thereafter, owing to the ~~obstinate~~ obstructive (KS) tactics of the appellants. The present appeal before Government is the result of the same ill-will of appeallants against the respondent.

6. As observed by the Muzrai Commissioner in para 3 of his order, if the Dharmadarsis had any charges to make against the respondent, they could do so, and enquiry has to be made into such charges when brought in due course, "not merely with reference to such charges but with reference to the competence of the complainants to make the complaint", as clearly observed by the learned Muzrai Commissioner.

7. It is thus clear that no a peal lies to Government against the order of the Muzrai Commissioner. There is no irregularity nor illegality in the order, nor is the order in any way unjust.

8. The respondent has been doing the duties of the Archakship for the last 1 year or so, in spite of all the trouble caused to him by the dharmadarsis . In fact, the Deputy Commissioner, the Amildar and all the local officers have given all possible Police and other help to the appellant to discharge his duties satisfactorily, even including at the time of the last Maharathathsavam as the records clearly show. The

The records or a report from the Deputy Commissioner may be called for.

9. That in obedience to the notice served upon him in this appeal fixing to-day for hearing the appeal, the respondent has come here to-day. But on hearing that the appeal has been adjourned for 2 months pending disposal of another new case which the appellants are going to file in the Lower Courts, the respondent begs to submit this petition.

10. The present appeal is not maintainable as submitted above and in the interests of justice, should not be kept on file pending the enquiry by the Lower courts into an entirely new case to be started afresh now.

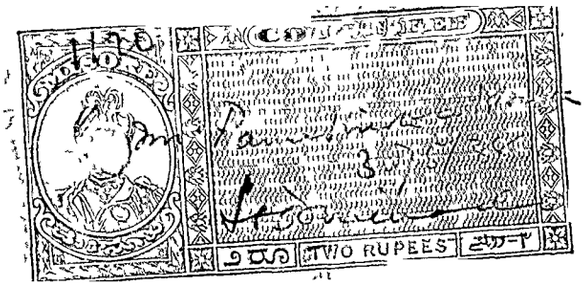
The respondent therefore prays that the present appeal may be heard and dismissed. Any new case that may be filed against the respondent by anyone may be enquired into according to law in due course. Since no charges have now been made - much less proved - there is no case at present against the respondent. In fact some of the appellants themselves have signed a petition to Government stating that the respondent alone should be the Archak. The petition may kindly be perused.

It is therefore most respectfully prayed that the present appeal may be dismissed. He may be heard on any date fixed by Govt.

Advocate for respondent.

Respondent.

Bangalore,
30th May, 1938.



ಕೋರ್ಟಿಗೆ

1936–1937 ನೇ ಸಾಲಿನ ಕರಾರು ನಂಬರು. 23

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್ ಪ್ರತಿವಾದಿ ಯಾ ಅಪ್ಪೋನೆಂಟ್,

PK Srinivasmurthy and others. V. S. Ramakrishna Bhatta.

ಮಾನ್ಯ ... ಅಥ್ಲೂ ಕೆಳಕ್ಕೆ ಕಂಡ ನಾನೂ ರಾ ಶಾಸನಸ್ಥರ ನಕಲಿ ಎದಿರು ಕಕ್ಷಿಯಾಗಿ (Respondent) ಬರಿಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾನು.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ವತಿವಾಗಿ ಆಪೈರುನವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿನಾವ ಜರುಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧನಾವ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿ ಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವವಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಸಿಲ್ಕು ಮೊಬಲಗು ಸಹ ವಡಿಯಲಿಕ್ಕೂ, ದಸ್ತೈ ಬಜು ವಗೈರೆ ಗಳನ್ನು ಮಾವಸು ವಡಿಯಲಿಕ್ಕೂ ಸಹ ತನುಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿಧೀನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ನುತ್ಯಾಮ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನೇ ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇಧೇನೆ.

ತಾರೀಖು 24/7/37 (೨೪) ರುಜು ಆಬ್ಜರ್ವರ್ ಮಲ್ಲಪ್ಪಯ್ಯನವರು

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ವರಿಚಯ ಸ್ತರಾಗಿ ನನ್ನ ಸಮುಕ್ಷವು ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

K Shamanna
Adv

ಈ ಮೊಖ್ತ್ಯಾರು ನಾನೂ ಅಂಗೀಕರಿಸಿ ಇಧೇನೆ.

Kamala Shamanna
Adv. for Respdt.

30/5/38.

☞ಸಿಕ್ಕುವಸ್ತ ಕೊಂಡರೂಪು ಸಿಟ್ಟು ಚಿತ್ತವೇಚೆ. ಇಮ್ಮಾನಾಗರ ಬುಕ್ಕು ಡಿಪೋ, ಬಿ ನರಸಿಂಹೈಯಂಗಾರ್ಯರವರು ಪಿಂರೆಯುತ್ತೆ

Rev. 21]

Before the Government of His Highness the Maharaja of Mysore.

Appeal No. 23 of 1936-37

Appellants

R. K. Srinivasa Iyengar
R. S. Venkatachalla Iyengar
and fourteen others residing
in Ramanathpura, Arakalgud
T.K.

Vs

Respondent

Ramakrishna Bhatta,
Archak residing at
Konanur, Arakalgud
T.K.

Subject.

Appeal against the M.C's order in the matter of the removal of Ramakrishna Bhatta from the post of Archaka in the temple of Sri Pattabhiramaswamy at Ramanathpura Arakalgud T.K.

The facts of the case are contained in the M.C's order appealed against.

The case was called on 3.9.38. The Counsels of both the parties were present and heard.

Order

It is conceded on both sides that action has to be taken in this case under Sec. 31 of the Mysore R & E. Insts. Regn.

WD 0533—GPB—750—21-7-37

That the question whether the
charge was reasonable or not
does not arise under the
language of the section. You
must uphold this contention.
The object of the section
appears to be to give
some voice to a large
majority of the dealers
in the removal of
an unsatisfactory
arrack, providing for
adequate Compensation.
Govt. therefore direct
that the order of the M.C.
be set aside and that
the case be remanded
for a further enquiry
under Sec. 36 of the
Abkz. Reg. The D.C. Hassendeen
is to take the necessary
action in the matter and
pass orders expeditiously.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*

Does neither the order of
nor that of the M.C. d
with the matter in
accordance with that
the D C's order does
indicate, as pointed out
the M.C, whether he is sati
that 3/4 of the number of dewla
present & voted for the ~~aff~~ defendants
If it was found that such a majo
voted for his removal, he should have t
respe
the compensation that is payable to the
the M.C. While recognising that a
has been taken under Sec 3
the Mysore R+E. Instrs Re
does not give full effect to it
implication. The Counsel f
the appellants contends tha
3/4 of the dewlas are in fa
of Patel's removal, it do
not give effect
according to
section as it is ma

F. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*

Attach 5D

Hon.

~~Copy of the above is forwarded to~~ is requested to take ~~Compliance to the~~ H.C.A. necessary action in the matter. Records received from ___ him on the subject are herewith returned.

R.O

Yours sce

Copy to Mr. L. S. Raju H.A. (Hons.) B.L. Advocate ~~Colombo~~ for information.

R.O

Yours sce

Copy to Mr. Shanmuganathan B.A. B.L. Advocate, ~~Jaffna~~ for information.

R.O

Yours sce

27/9

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE.

MUZRAI APPEAL No.23 of 1936-37.

Appellants.	Vs.	Respondent.
R.K.Srinivasa Iyengar R.S.Venkatachala Iyengar and fourteen other petitioners residing in Ramanathpur, Arakalgud Taluk.		Ramakrishna Bhatta, Archak residing at Konanur, Arakalgud Taluk.

SUBJECT.

Appeal against the Muzrai Commissioner's order in the matter of the removal of Ramakrishna Bhatta from the post of archaka in the Temple of Sri Lattabhiramaswami at Ramanathpur Arakalgud Taluk.

The facts of the case are contained in the Muzrai Commissioner's order appealed against.

The case was called ~~for~~ on 3rd September 1936. The ~~former~~ Counsels of both the parties were present and heard.

ORDER

No. Dated, Bangalore the

It is conceded on both sides that action has to be taken in this case under Section 36 of the Mysore Religious and Charitable Institutions Regulation VII of 1927. But neither the order of the Deputy Commissioner nor that of the Muzrai Commissioner deals with the matter in full accordance with that Section. The Deputy Commissioner's order does not indicate, as pointed out by the Muzrai Commissioner, whether he is satisfied that ¾ of the number of devotees were present and voted for the ~~respondent's~~ respondent's removal. If it was found that such a majority had voted for his removal, ~~the~~ he should have fixed the compensation that is payable to the respondent. The Muzrai Commissioner while recognising that action has been taken under Section 36 of the Mysore Religious and Charitable Institutions Regulation does not give full effect to its implication. The Counsel for the appellants contends that if 3/4 of the devotees are in favour

of archak's removal, it must be given effect to according to the section as it is mandatory and that the question whether the charges are reasonable or not does not arise under the language of the Section. Government must uphold this contention. The object of the section appears to be to give some voice to a large majority of the devotees in the removal of an unsatisfactory archak, providing for adequate compensation. Government therefore direct that the order of the Muzrai Commissioner be set aside and that the case be remanded for a further enquiry under Section 36 of the Muzrai Regulation. The Deputy Commissioner, Hassan District, may take all necessary action in the matter and pass orders in accordance with the law.

Copy to M.C. No 5714/Mzg 259-36-87-60
R.O

For Govt Sec
5787-60-38
Copy to the appellants through their Counsel.
R-O

5788-60-38. For Govt Sec
Copy to the respondent Through his Counsel
R-O

For Govt Sec.

SS